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HB Productions, Inc.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

| HB Productions, Inc.,) **Case No.: 1:19-cv-487-JMS-KJM**
| vs.) (Copyright)
| Plaintiff,)
| Muhammad Faizan,) **COMPLAINT; EXHIBITS 1-4;**
| ~~JOHN DOE dba ibit.une, and~~) **DECLARATION OF STEPHANIE**
| ~~DOES 1-35~~) **KESSNER; DECLARATION OF**
|) **COUNSEL; DECLARATION OF**
|) **DANIEL ARHEIDT**
| Defendants.)
|) **(1) CONTRIBUTORY**
|) **COPYRIGHT**
|) **INFRINGEMENT**
|) **(2) INTENTIONAL**
|) **INDUCEMENT**
|) **(3) DIRECT COPYRIGHT**
|) **INFRINGEMENT**
|) **(4) FALSE ADVERTISING**

FIRST AMENDED COMPLAINT

Plaintiff HB Productions, Inc. ("Plaintiff") files this First Amended Complaint against Defendants Muhammad Faizan ("FaizanDefendant"), ~~JOHN~~

~~DOE dba ibit.uno (“JOHN DOE”), and DOES 1-35 (sometimes referred to collectively as “Defendants”)~~ and alleges as follows:

I. NATURE OF THE ACTION

1. Plaintiff brings this action to stop the massive piracy of its motion picture *Hellboy* brought on by Defendants.

2. To halt Defendants’ illegal activities, Plaintiff brings this action under: ~~(a) the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101, et seq. (the “Copyright Act”) and allege that Defendants are liable for direct and contributory copyright infringement in violation of 17 U.S.C. §§ 106 and 501; (b) the Lanham Act of 1946, as amended, 15 U.S.C. §§ 1051, et seq., and alleges that Defendant Faizan is further liable for false and/or misleading misrepresentations in violation of 15 U.S.C. §1125(a)(1)(B);~~

II. JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 17 U.S.C. §§ 101, et. seq., (the Copyright Act), 28 U.S.C. § 1331 (federal question), ~~15 U.S.C. §1125(a)(1)(B) (the Lanham Act)~~, and 28 U.S.C. § 1338 (patents, copyrights, trademarks, and unfair competition).

4. Defendants solicits, transacts, or are—is doing business within this jurisdiction, and have—has committed unlawful and tortious acts both within and outside this jurisdiction with the full knowledge that their—his acts would cause

injury in this jurisdiction.

5. Defendant sent at least a substantial portion if not all of copies of Plaintiff's motion pictures directly to individuals in Hawaii such as those shown in Exhibit "1" from one or more computing devices under his control.

6. Particularly, Defendant Faizan sent at least a piece of a copy of Plaintiff's Work with a file name "Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv" to 12 Internet Protocol ("IP") addresses in Hawaii.

7. Particularly, Defendant Faizan sent at least a piece of a copy of Plaintiff's Work with a file name "Hellboy.2019.1080p.AMZn.WEBRip.DDP5.1.x264-NTG" to 23 IP addresses in Hawaii.

8. Defendant Faizan knew these 35 IP addresses were in Hawaii when he sent the at least a piece of each of said copies of Plaintiff's Works.

5.9. Defendants Faizan and JOHN DOE causes harm to Plaintiff's business within this District by diverting customers in this District to unauthorized Internet-based content distribution services through, at least, the interactive websites ~~ibit.uno, mkvcage.nl~~, mkvcage.fun and mkvcage.com.

6.10. Defendants Faizan and JOHN DOE have has designed their his interactive websites to individually target Hawaii users based upon their personal information such as web browsing history.

7.11. Upon information and belief, Defendants ~~Faizan and JOHN DOE~~ Faizan collects log files including the Internet Protocol (“IP”) address, Internet Service Provider (“ISP”) and browser type of each user who visits ~~their-his~~ interactive websites.

8.12. Upon information and belief, Defendants ~~Faizan and JOHN DOE~~ uses cookies and web beacons to store information such as personal preferences of users who visit their websites.

9.13. Upon information and belief, Defendants ~~Faizan and JOHN DOE~~ obtains financial benefit from ~~their-his~~ users in Hawaii via third party advertisements such as Google through the Google AdSense program.

The screenshot shows a web browser displaying the privacy policy for iBit at <https://ibit.uno/privacy/>. The page has a red header bar with the iBit logo, a search bar, and navigation links for 'BROWSE' and 'TORRENTS'. Below the header, there's a section titled 'Information Collection, Use, and Sharing' which states that user information will be used to respond to requests and not shared with third parties. It also mentions that users can contact them via email. A sidebar on the left contains social media sharing icons for Facebook, Twitter, Pinterest, Reddit, Email, and a Plus sign. The main content area includes sections on 'Third Party Advertising', 'Third Party Cookies', and 'Security', each with descriptive text and links for more information.

10. Upon information and belief, Defendants ~~Faizan and JOHN DOE~~ uses

the cookies, log files and/or web beacons to narrowly tailor the website viewing experience to the geolocation of the user. Particularly, users in Hawaii receive advertisements based upon their location and websites they have previously visited.

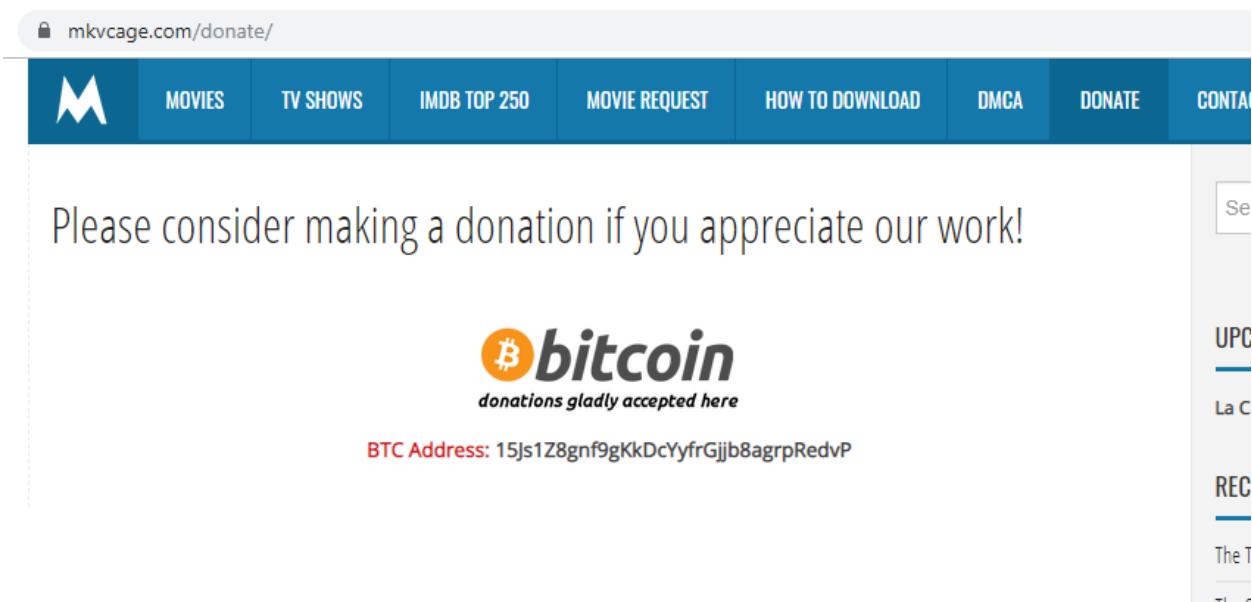
The screenshot shows the iBit privacy policy page. At the top, there is a red header bar with the iBit logo, a search bar labeled "Torrent Search...", and navigation links for "BROWSE" and "TORRENTS". Below the header, the main content area has a dark background. On the left, there is a vertical column of social media sharing icons (Facebook, Twitter, Pinterest, Google+, Email, and a Plus sign). The main content area features a section titled "MORE COOL STUFF" with four small images: an iPhone XS, a pocket translator device, a person's toe with a yellow nail, and a scenic landscape. Below these images are captions: "Get an iPhone Xs for \$3", "iPhone XS", "Communicate with Anybody Effortlessly Using this Pocket Translator", "Translator", "Do This to Remove Nail Fungus. Doctors Won't Tell You This - Hurry!", and "watch the video". To the right, there is a sidebar with the text "Content by Adcash" and a link to "Kailua-Kona Best & Worst Refinance Mortgage Companies Of 2019". At the bottom of the page, there is a paragraph about the privacy notice and a list of three items under "What personally identifiable information is collected from you through the website, how it is used and with whom it may be shared".

14.

11.15. Defendant Faizan solicits feedback from his users. Namely, movies that his users wish for him to pirate.

The screenshot shows the "Movie Request" page on the iBit website. The top navigation bar is blue with white text, featuring links for MOVIES, TV SHOWS, IMDB TOP 250, MOVIE REQUEST (which is highlighted in white), HOW TO DOWNLOAD, DMCA, DONATE, and CONTACT. Below the navigation bar, the page title "Movie Request" is displayed in a large, stylized font. To the right of the title is a search bar with the placeholder text "Search". A sidebar on the right side contains sections for "UPCOMING" (with a link to "La Casa D") and "RECENT" (with a link to "RECENT"). The main content area below the title contains a section titled "Rules:-" with three numbered rules: 1. Search before placing a request, use search box to check the movie. 2. Leave your comment with movie title, year and IMDB link. 3. Only one movie at a time or your comment will be deleted.

12.16. Defendant Faizan solicits donations from his users in Hawaii and the United States from his interactive website.



13.17. In the alternative, the Court has jurisdiction of Defendants Faizan and JOHN DOE pursuant to Fed. R. Civ. P. 4(k)(2), the so-called federal long-arm statute, for at least the following reasons: (1) Plaintiff's claims arise under federal law; (2) the Defendants Faizan and JOHN DOE purposely directed their-his electronic activity into the United States and targets s and attracts s a substantial number of users in the United States and, more particularly, this District; (3) Defendants Faizan and JOHN DOE does so with the manifest intent of engaging in business or other interactions with the United States; (4) the Defendants Faizan and JOHN DOE areis not subject to jurisdiction in any state's courts of general jurisdiction; and (5) exercising jurisdiction is consistent with the United States Constitution and laws.

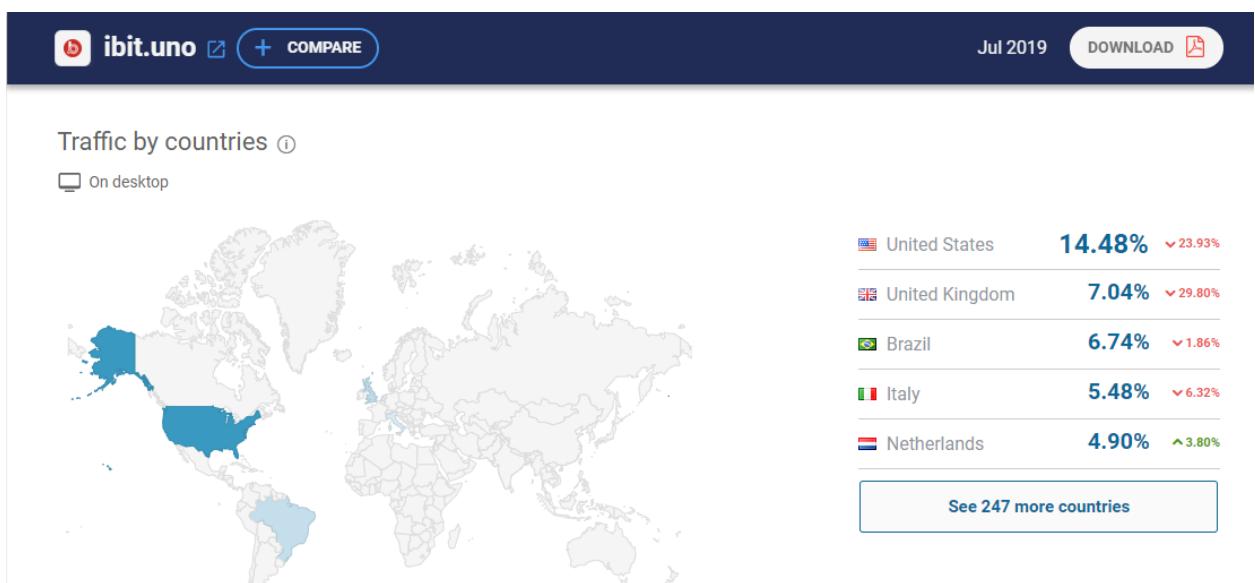
18. Defendant Faizan has sent at least a piece of a copy of Plaintiff's Work if not the entire copy to IP addresses in the United States for at least 16,942 instances.

19. Particularly, Defendant Faizan sent a piece of a copy of Plaintiff's Work with a file name "Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv" to IP addresses in the United States at least 8555 times.

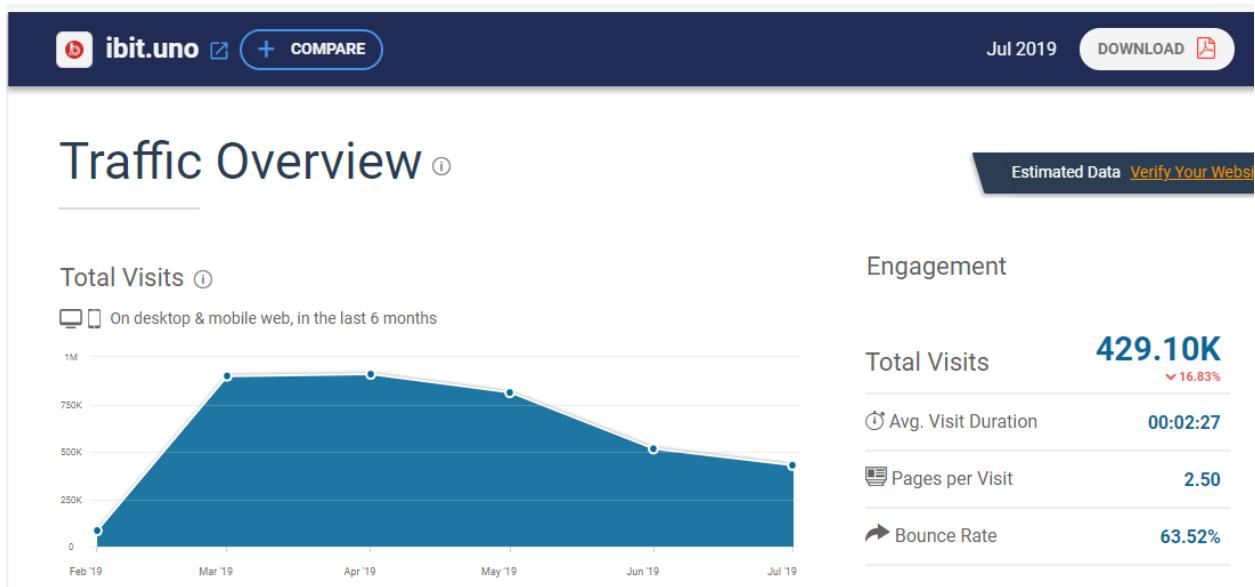
20. Particularly, Defendant Faizan sent a piece of a copy of Plaintiff's Work with a file name "Hellboy.2019.1080p.AMZn.WEBRip.DDP5.1.x264-NTG" to IP addresses in the United States at least 8387 times.

21. Defendant Faizan knew these IP addresses were in the United States when he sent the at least a piece of the copy of Plaintiff's Works 16,942 times.

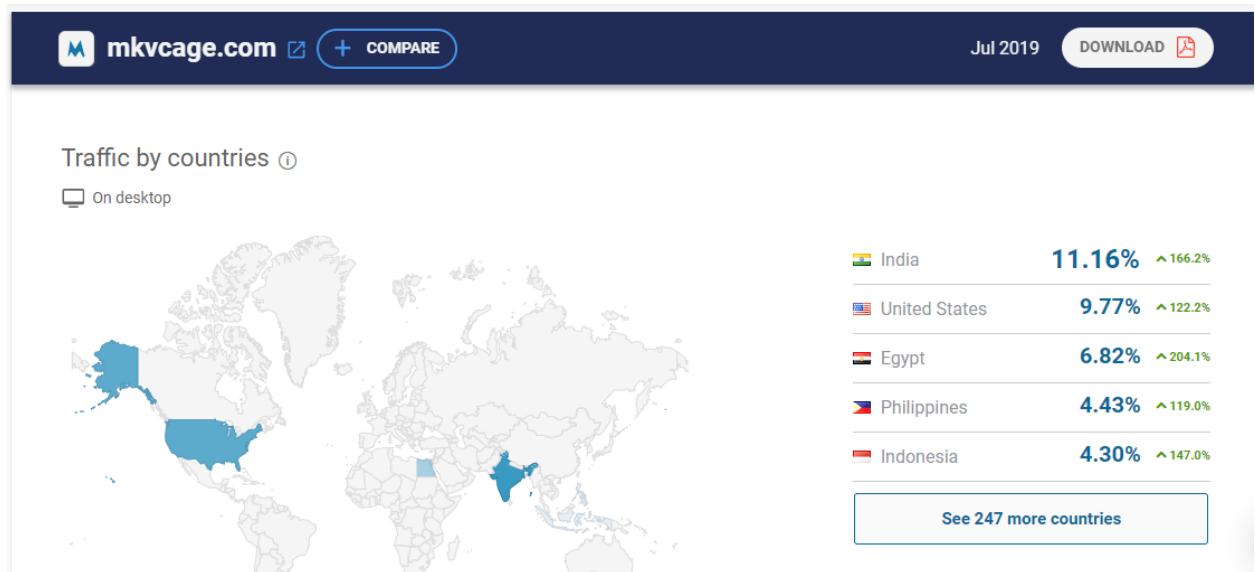
14. The top country of origin of traffic to the website of Defendant JOHN DOE is the United States.



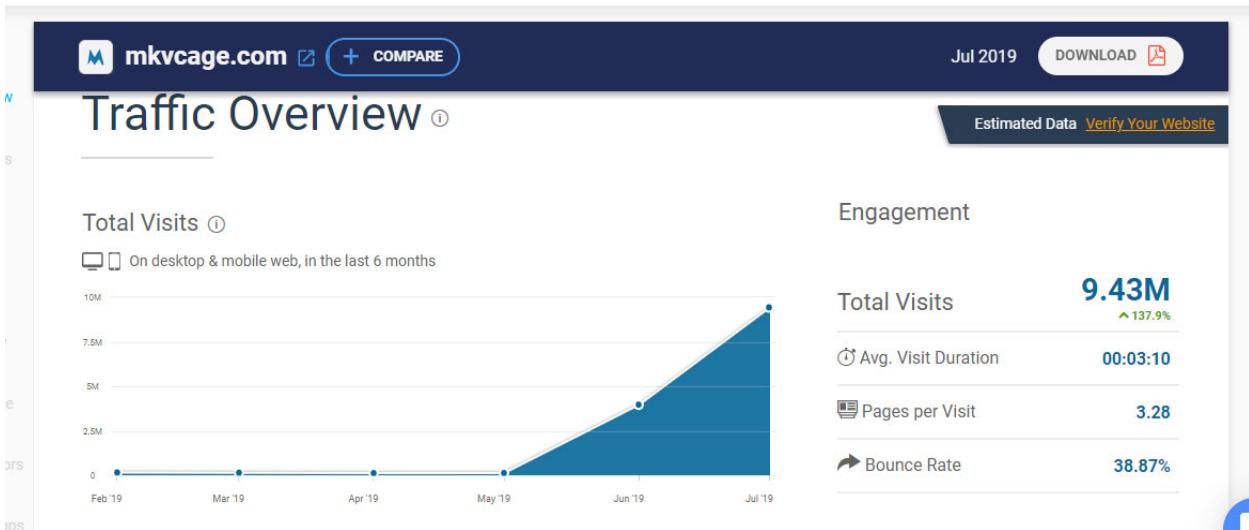
~~15. Defendant JOHN DOE has received over 42,910,000 visitors to his website ibit.uno since February of 2019.~~



~~16.22. The United States is the second highest source of traffic to the website of Defendant Faizan.~~



~~17.23. Defendant Faizan has received over 9 million visitors to his website mkvcage.com since May of 2019.~~



18.24. Defendants Faizan and JOHN DOE uses or has~~e~~ used many United States (“US”) based sources for operating ~~their~~this interactive websites. Both Defendant Faizan uses the nameserver company Cloudflare, Inc. (California),~~–~~ Defendant Faizan uses the domain Registrar and hosting service of Namecheap (Arizona).~~–~~ Defendant Faizan uses the email service of the US Company Google (California). Defendant Faizan used the US company PayPal to make a payment to Namecheap when registering the domain mkvcage.cc on Jan. 6, 2018. Defendant Faizan used the US social media platforms TWITTER, INSTAGRAM and Reddit to promote his websites.

19. Defendant JOHN DOE purposely avails itself of the advantages of US law. Particularly, Defendant JOHN DOE takes advantage of the safe harbor provisions of the Digital Millennium Copyright Act (“DMCA”) of 17 USC § 512 on its website.

The screenshot shows the ibit website at https://ibit.uno/legal/. The header features the ibit logo, a search bar with 'Torrent Search...', and navigation links for 'BROWSE' and 'TORRENTS'. Below the header, the title 'Copyright policy' is displayed. On the left, there is a vertical social sharing sidebar with icons for Facebook, Twitter, Pinterest, Reddit, Email, and a Plus sign. The main content area is titled 'MORE COOL STUFF' and includes four promotional cards: 'Fungus Remover' (image of a hand with nail fungus), 'Translator' (image of a smartphone with text about voice translation), 'iPhone XS' (image of a person holding an iPhone XS), and 'Mortgages' (image of a woman in a courtroom). A note at the bottom states: 'If you are a copyright owner or an agent thereof, and you believe that any content hosted on our web site (ibit.to) infringes your copyrights, then you may submit a notification pursuant to the Digital Millennium Copyright Act (DMCA) by providing ibit Designated Copyright Agent with the following information in writing (please consult your legal counsel or See 17 U.S.C. Section 512(c)(3) to confirm these requirements):' followed by a redacted signature block.

20.25. Defendant Faizan purposely avails himself of the advantages of US law. Particularly, Defendant Faizan takes advantage of the safe harbor provisions of the Digital Millennium Copyright Act (“DMCA”) on his website.

The screenshot shows a website header with a search bar containing "mkvcage.com/dmca/" and a lock icon. Below the search bar is a navigation menu with links: MOVIES, TV SHOWS, IMDB TOP 250, MOVIE REQUEST, HOW TO DOWNLOAD, DMCA, DONATE, and CO. The main content area is titled "DMCA". It contains text about compliance with the Digital Millennium Copyright Act (DMCA) and instructions for submitting a copyright infringement notice. A bulleted list details the required elements for such a notice.

mkvcage.ws is in compliance with 17 U.S.C. § 512 and the Digital Millennium Copyright Act ("DMCA"). It is our policy to respond to any infringement notices and take appropriate actions under the Digital Millennium Copyright Act ("DMCA") and other applicable intellectual property laws.

If your copyrighted material has been posted on mkvcage.ws or if links to your copyrighted material are returned through search engine and you want this material removed, you must provide a written communication that details the information listed in the following section. Please be aware that you will be liable for damages (including costs and attorneys' fees) if you misrepresent information listed on our site that is infringing on your copyrights. We suggest that you first contact an attorney for legal assistance on this matter.

The following elements must be included in your copyright infringement claim:-

- Provide evidence of the authorized person to act on behalf of the owner of an exclusive right that is allegedly infringed.
- Provide sufficient contact information so that we may contact you. You must also include a valid email address.
- You must identify in sufficient detail the copyrighted work claimed to have been infringed and including at least one search term under which the material appears in mkvcage.ws' search results.
- A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
- A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

26. Upon information and belief, Defendant Faizan has purposely availed himself of the benefit of the DMCA with respect to other websites he owns and/or controls such as, for example, the website FAIZANATHAR.COM.

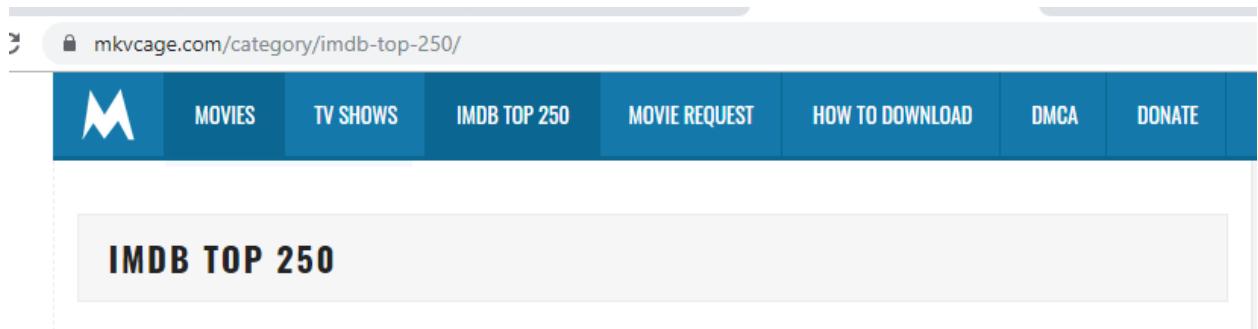
27. Upon information and belief, Defendant Faizan submitted at least two DMCA notices to Google requesting Google to remove search results for websites that he believed infringed his rights in the website faizanathar.com on March 25, 2018.

28. Upon information and belief, when Defendant Faizan submitted said

least two DMCA notices to Google, he agreed to be subject to the jurisdiction of the United States.

21.29. Defendants Faizan and JOHN DOE promotes overwhelmingly if not exclusively motion pictures produced by US companies on their interactive websites.

22.30. Defendant Faizan even includes a webpage of the Internet Movie Database (“IMDB”) top 250 movies with a download link below each movie to unlawfully download the specific movie. The IMDB is operated by ~~IMDb~~IMDB.com, Inc., a subsidiary of the US company Amazon and includes primarily US movies.



23.31. Defendant Faizan and JOHN DOE promoted Plaintiff's motion picture prominently on their websites to attract new users.



Storyline: Based on the graphic novels by Mike Mignola, Hellboy, caught between the worlds of the supernatural and human, battles an ancient sorceress bent on revenge.

Download → (<https://www.mkvcage.fun/hellboy-2019-720p-brrip-hevc-750mb/#more-48827>)

A screenshot of the iBit torrent search interface. The search bar shows "Torrent Search...". Below it, there are stats: 148 Seeders and 402 Leechers. A green button labeled "SPONSORED DOWNLOAD" is visible. To the left is a sidebar with social sharing icons (Facebook, Twitter, Pinterest, Reddit, Email, and a Plus sign). To the right is a large thumbnail image of the Hellboy movie poster. The main search results area displays the following information for the torrent: Title: Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv, Uploaded: 1 month ago, Last Checked: 1 month ago, Size: 951 MB, Uploader: mkvcage, Tags: Hellboy 2019 720p HDRip x264 MkvCage Com mkv, Language: English, Type: HD 720p. At the bottom of the results page, there is a link "MORE COOL STUFF".

24.32. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b) - (c) because: (a) all or a substantial part of the events or omissions giving rise to the claims occurred in this District; and (c)(3) ~~any of the~~ although Defendant is not a resident of the United States he may be sued in this District.

III. PARTIES

A. The Plaintiff

25.33. The Plaintiff is a corporation organized and existing under the laws of the State of Nevada. The Plaintiff has its principal offices in Los Angeles, California.

26.34. Plaintiff is the owner of the copyright for the motion picture in the Work “*Hellboy*”, (hereafter: the “Work”) a major motion picture released in 2018.

27.35. The Work is an action movie starring David Harbour, Milla Jovovich, Ian McShane. The Work tells the story of a legendary half-demon superhero called to the English countryside to battle a trio of rampaging giants where he suddenly becomes caught in a clash between the supernatural and the human.

28.36. The Plaintiff is an affiliate of Millennium Media, a production company and distributor of a notable catalog of major motion pictures, including, among others, *Rambo: Last Blood*, *The Expendables*, *Olympus Has Fallen* and *London Has Fallen*. See www.millenniumfilms.com.

B. The Defendants

29.37. Upon information and belief, Defendant Faizan resides in Gujranwala, Pakistan.

30.38. Defendant Faizan operates an interactive website mkvcage.~~eom-nl~~ and previously mkvcage.fun and mkvcage.com (hereafter: “MKVCAGE website”) which includes a library of torrent files for copyright protected motion pictures, including Plaintiff’s. The torrent files can be used by a BitTorrent client application to download and reproduce motion pictures for free and without license.

31.39. Defendant Faizan creates the torrent files made available on the MKVCAGE website. Particularly, Defendant Faizan created the torrent files: Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv _____ and _____; Hellboy.2019.1080p.AMZn.WEBRip.DDP5.1.x264-NTG; _____ and ~~Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv~~ and distributes them from the MKVCAGE website.

32.40. Upon information and belief, Defendant Faizan uses a process referred to as “ripping” to create a copy of motion pictures from either Blu-ray or legal streaming services.

33.41. Defendant Faizan sometimes includes words such as “MkvCage.com” in the titles of the torrent files he creates in order to enhance his

reputation for the quality of his torrent files and attract users to his interactive MKVCAGE website.

~~34. Defendant JOHN DOE operates an interactive website ibit.uno (hereafter: "IBIT website") which includes a library of torrent files for copyright protected motion pictures, including Plaintiff's as well as games, software and books. The torrent files can be used by a BitTorrent client application to download motion pictures for free and without license.~~

~~35. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendant JOHN DOE is unknown to Plaintiff who therefore sues said Defendant by a fictitious name. Defendant JOHN DOE is known to the Plaintiff only by the website where it induces and contributes to infringements of Plaintiff's Work.~~

~~36.42.~~-In response to a DMCA notice and subpoena, the Registrar Namecheap has indicated that the true name of the registrant of mkvcage.fun website is Defendant Faizan and that Defendant Faizan is also the registrant for the domains mkvcage.com, mkvcage.ws, mkvcage.cc and mkvcage.me.

43. Upon information and belief, Namecheap informed Defendant Faizan of Plaintiff's DMCA notice. Defendant Faizan promptly moved his website from mkvcage.fun to mkvcage.com.

37.44. Defendant Faizan subsequently begin operating the website
mkvcage.nl jointly with 1337 Services, LLC (“1337”).

45. 1337 is a limited liability company organized under the laws of the
Caribbean island of St. Kitts and Nevis.

46. 1337 was created and is controlled by Peter Sunde Kolmisoppi.

47. Peter Sunde Kolmisoppi is a notorious copyright thief who was
sentenced to prison in Sweden for his creation of The Pirate Bay.

38. The whois search records for the registrant of the ibit.uno show
Registrar is Tucows Domains, Inc. (“Tucows”). In response to a DMCA
subpoena, Tucows has indicated that the registrant is 1337 Services LLC which is
a privacy service for the registrant.

39. Upon information and belief, Tucows informed Defendant JOHN
DOE of Plaintiff’s DMCA notice. Defendant JOHN DOE deleted the link to the
torrent file Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv specifically
referred to in the DMCA notice, but continues to provide links to nearly one
hundred other torrent files for copying the Work.

ibit.to/torrent-search/hellboy/

ibit

hellboy

BROWSE TORRENTS

| Relevance ↓ | Category | Added | Size | Seeders | Leechers |
|--|------------|-------------|--------|---------|----------|
| Hellboy (2019) [WEBRip] [720p] [YTS.LT] | ✓ 3 Movies | 1 month ... | 1.1 GB | 7,374 | 1,939 |
| Hellboy.2019.KOR.1080p.HDRip.H264.AAC-STY.mp4 | ✓ Movies | 2 month... | 3.4 GB | 1,786 | 1,102 |
| 헬보이 Hellboy.2019.1080p.KOR.FHDrip H264.AAC-RTM.mkv | ✓ Movies | 2 month... | 3.6 GB | 1,352 | 285 |
| Hellboy (2019) [WEBRip] [1080p] [YTS.LT] | ✓ 3 Movies | 1 month ... | 2.1 GB | 1,087 | 5,311 |
| Hellboy.2019.Kor.1080p.H264.AAC-MreD.mp4 | ✓ Movies | 2 month... | 5.2 GB | 1,009 | 995 |
| Hellboy.2019.1080p.AMZn.WEBRip.DDP5.1.x264-NTG | ✓ Movies | 1 month ... | 6.9 GB | 801 | 2,962 |
| [Torrent9.cz] Hellboy.2019.FRENCH.1080p.WEB.H264-Slay... | ✓ Movies | 1 month ... | 4.2 GB | 829 | 144 |
| Hellboy.2019.1080p.BluRay.x264-DRONES[rarbg] | ✓ Movies | 1 month ... | 8.8 GB | 663 | 1,156 |
| [Torrent9.cz] Hellboy.2019.TRUEFRENCH.HC.HDRip.MD.X... | ✓ Movies | 2 month... | 1.4 GB | 636 | 171 |
| [Torrent9.cz] Hellboy.2019.FRENCH.720p.WEB.H264-EXTR... | ✓ Movies | 1 month ... | 3.4 GB | 551 | 123 |

ibit

Torrent Search...

BROWSE TORRENTS

Hellboy (2019) [WEBRip] [720p] [YTS.LT]

Movies > 720p

Seeders: 7,374 Leechers: 1,939 Downloads: 1,002,627 Verified: ✓

ANONYMOUS DOWNLOAD



Title: Hellboy (2019) [WEBRip] [720p] [YTS.LT]
Uploaded: 1 month ago
Last Checked: 1 month ago
Size: 1.1 GB
Uploader: freeman
Tags: Hellboy 2019 WEBRip 720p YTS
Language: English
Type: 720p

40.48. Upon information and belief, the Defendants individuals DOES 1-35 are users of the interactive websites of Defendants JOHN DOE and Faizan.

41.49. The Defendants DOES 1-35 include members of three two groups of BitTorrent users or peers whose computers are collectively interconnected for the sharing of a particular unique file, otherwise known as a “swarm”. The particular file a BitTorrent swarm is associated with has a unique “hash” number, which in this case is: SHA1: 0550544E834856FC1F012A567388F0307CD8A61A (the “First Unique Hash Number”) for DOES 1-6 and 30-35 and the file name is Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv; and SHA1: 18031E80B3360664B3641E1B7952172740AD5A63 (the “Second Unique Hash Number”) for DOES 7-29 and the file name is Hellboy.2019.1080p.AMZn.WEBRip.DDP5.1.x264-NTG; and SHA1: 0550544E834856FC1F012A567388F0307CD8A61A (the “Third Unique Hash Number”) for DOES 30-35 and the file name is Hellboy.2019.720p.HC.HDRip.x264_MkvCage.Com.mkv.

42. Upon information and belief, Each of the Defendants DOES 1-35 received from Plaintiff's agent at least a first notice per 17 U.S.C. 512(a) of the DMCA requesting the individual to stop infringement of the Work or other Works via BitTorrent protocol.

43. The Internet Service Providers (“ISP”) Hawaiian Telcom and Charter

~~Communications LLC dba Spectrum (“Spectrum”) provide the Internet service for Defendants DOES 1-35. Plaintiff intends to subpoena the ISP in order to learn the subscriber identities of Defendants DOES 1-35. Further discovery may be necessary in some circumstances in order to be certain of the identity of the proper Defendant. Plaintiff believes that information obtained in discovery will lead to the identification of each Defendant’s true names and permit the Plaintiff to amend this Complaint to state the same. Plaintiff further believes that the information obtained in discovery may lead to the identification of additional infringing parties to be added to this Complaint as Defendants. Plaintiff will amend this Complaint to include the proper names and capacities when they have been determined. Plaintiff is informed and believes, and based thereon allege, that each of the fictitiously named Defendants participated in and are responsible for the acts described in this Complaint and damages resulting therefrom.~~

IV. JOINDER

~~44. Pursuant to Fed. R. Civ. P. 20(a)(2), each of the Defendants was properly joined because, as set forth in more detail below, the Plaintiff asserts: (a) a right to relief arising out of the same transaction, occurrence, or series of transactions, namely (i) the distribution of the torrent files associated with Plaintiff’s Work via the website of Defendant Faizan to Defendants DOES 1-35; (ii) the inducement by Defendant Faizan of the direct infringements of Defendants DOES 1-35; and (iii) the infringement complained of herein by each of the Defendants was part of a series of transactions over the course of a relatively short period of time, involving the exact same piece of the Plaintiff’s copyrighted Work, and was accomplished by the Defendants acting in concert with each other (all via Defendant Faizan); and (b) there are common questions of law and fact.~~

V. FACTUAL BACKGROUND

A. The Plaintiff Owns the Copyright to the Work

45.50. The Plaintiff is the owner of the copyright in the Work. The Work is the subject of a copyright registration, and this action is brought pursuant to 17 U.S.C. § 411. *See Exhibit “2”.*

51. The Work is a motion picture currently offered for sale in commerce.

A Blu-ray copy of the Work is currently available for sale at a retailer in Kailua Kona, Hawaii for \$15.95.

46.



Hellboy (2019) (Blu-ray + DVD + Digital)

★★★☆☆ 2 reviews Summit Inc/Lionsgate Walmart # 574350556 R

\$15.95

Add-on services (0 Selected) Select

Available Options: Walmart Protection Plan.

Qty:

1 ▾

Add to Cart

Delivery available

Free pickup today

In stock at Kailua Kona, 75-1015 Henry St

47.52. Defendants had notice of Plaintiff's rights through at least the credits indicated in the content of the motion pictures which bore proper copyright notices.

48.53. Defendants also had notice of Plaintiff's rights through general publication and advertising associated with the motion picture, and packaging and copies, each of which bore a proper copyright notice.

B. Defendants Used BitTorrent To Infringe the Plaintiff's Copyright

49.54. BitTorrent is one of the most common peer-to-peer file sharing protocols (in other words, set of computer rules) used for distributing large amounts of data.

50.55. The BitTorrent protocol's popularity stems from its ability to distribute a large file without creating a heavy load on the source computer and network. In short, to reduce the load on the source computer, rather than downloading a file from a single source computer (one computer directly connected to another), the BitTorrent protocol allows users to join a "swarm" of host computers to download and upload from each other simultaneously (one computer connected to numerous computers).

1. *Defendants* DOES 1-35 installed a BitTorrent Client onto his or her Computer.

51.56. A BitTorrent Client is a software program that implements the BitTorrent Protocol. There are numerous such software programs which can be directly downloaded from the Internet.

52.57. Once installed on a computer, the BitTorrent Client serves as the user's interface during the process of uploading and downloading data using the BitTorrent protocol.

53.58. *Defendants* DOES 1-35 installed a BitTorrent Client onto their

respective computer.

2. The Initial Seed, Torrent, Hash and Tracker

54.59. A BitTorrent user that wants to upload a new file, known as an “initial seeder,” starts by creating a “torrent” descriptor file using, for example, the Client he or she installed onto his or her computer.

55.60. The Client takes the target computer file, the “initial seed,” here the copyrighted Work, and divides it into identically sized groups of bits known as “pieces.”

56.61. The Client then gives each one of the computer file’s pieces, in this case, pieces of the copyrighted Work, a random and unique alphanumeric identifier known as a “hash” and records these hash identifiers in the torrent file.

57.62. When another peer later receives a particular piece, the hash identifier for that piece is compared to the hash identifier recorded in the torrent file for that piece to test that the piece is error-free. In this way, the hash identifier works like an electronic fingerprint to identify the source and origin of the piece and that the piece is authentic and uncorrupted.

58.63. Torrent files also have an "announce" section, which specifies the URL (Uniform Resource Locator) of a “tracker,” and an "info" section, containing (suggested) names for the files, their lengths, the piece length used, and the hash identifier for each piece, all of which are used by Clients on peer computers to

verify the integrity of the data they receive.

59.64. The “tracker” is a computer or set of computers that a torrent file specifies and to which the torrent file provides peers with the URL address(es).

60.65. The tracker computer or computers direct a peer user’s computer to other peer user’s computers that have particular pieces of the file, here the copyrighted Work, on them and facilitates the exchange of data among the computers.

61.66. Depending on the BitTorrent Client, a tracker can either be a dedicated computer (centralized tracking) or each peer can act as a tracker (decentralized tracking.)

3. Torrent Sites

62.67. “Torrent sites” are websites that index torrent files that are currently being made available for copying and distribution by people using the BitTorrent protocol. There are numerous torrent websites including those of Defendants Faizan~~and JOHN DOE~~.

63. ~~Upon information and belief, Defendants DOES 1-35 went to a torrent site to upload and download Plaintiff's copyrighted Work.~~

64.68. Upon information and belief, ~~Defendants~~ DOES 1-35 went to the torrent site of Defendants Faizan ~~and JOHN DOE~~ to download Plaintiff's copyrighted Work. Particularly, the torrent files downloaded by ~~Defendants~~

DOES 1-35 were created by Defendant Faizan and made available by Defendant Faizan on his MKVCAGE website ~~and on Defendant JOHN DOE's IBIT website.~~

4. Uploading and Downloading a Work Through a BitTorrent Swarm

65.69. Once the initial seeder has created a torrent and uploaded it onto one or more torrent sites, then other peers begin to download and upload the computer file to which the torrent is linked (here the copyrighted Work) using the BitTorrent protocol and BitTorrent Client that the peers installed on their computers.

66.70. The BitTorrent protocol causes the initial seeder's computer to send different pieces of the computer file, here the copyrighted Work, to the peers seeking to download the computer file.

67.71. Once a peer receives a piece of the computer file, here a piece of the copyrighted Work, it starts transmitting that piece to the other peers.

68.72. In this way, all of the peers and seeders are working together in what is called a "swarm."

69.73. Here, ~~Defendant DOES 1-35s~~ (through each of the three groups) participated in the same swarm and directly interacted and communicated with other members of that swarm through digital handshakes, the passing along of computer instructions, uploading and downloading, and by other types of transmissions.

70.74. In this way, and by way of example only, one initial seeder can create

a torrent that breaks a movie up into hundreds or thousands of pieces saved in the form of a computer file, like the Work here, upload the torrent onto a torrent site, and deliver a different piece of the copyrighted Work to each of the peers. The recipient peers then automatically begin delivering the piece they just received to the other peers in the same swarm.

71.75. Once a peer has downloaded the full file, the BitTorrent Client reassembles the pieces and the peer is able to view the movie. Also, once a peer has downloaded the full file, that peer becomes known as “an additional seed,” because it continues to distribute the torrent file, here the copyrighted Work.

5. The Plaintiff’s Computer Investigator Identified the ~~Defendants~~ DOE 1-35’s IP Addresses as Participants in Swarms That Were Distributing the Plaintiff’s Copyrighted Work

72.76. The Plaintiff retained Maverickeye UG (“MEU”) to identify the IP addresses that are being used by those people that are using the BitTorrent protocol and the Internet to reproduce, distribute, display or perform the Plaintiff’s copyrighted Work.

73.77. MEU used forensic software to enable the scanning of peer-to-peer networks for the presence of infringing transactions.

74.78. MEU extracted the resulting data emanating from the investigation, reviewed the evidence logs, and isolated the transactions and the IP addresses

associated therewith for the files identified by the SHA-1 hash value of the Unique Hash Number.

75.79. The IP addresses, Unique Hash Number, and hit dates contained on Exhibit “1” accurately reflect what is contained in the evidence logs, and show that ~~Defendants~~ DOES 1-35 have copied a piece of the Plaintiff’s copyrighted Work identified by the Unique Hash Numbers.

76.80. The ~~Defendants~~ DOES 1-35’s computers used the identified IP address to connect to the investigative server from a computer in this District in order to transmit a full copy, or a portion thereof, of a digital media file identified by the Unique Hash Number.

77.81. MEU’s agent analyzed each BitTorrent “piece” distributed by the IP address listed on Exhibit 1 and verified that re-assemblage of the pieces using a BitTorrent Client results in a fully playable digital motion picture of the Work.

82. MEU’s agent viewed the Works side-by-side with the digital media file that correlates to the Unique Hash Number and determined that they were identical, strikingly similar or substantially similar.

83. MEU’s agent logged 8555 instances of infringing transactions in the United States and 38567 infringing transactions worldwide with the Unique Hash Number 0550544E834856FC1F012A567388F0307CD8A61A shown in Exhibit “1” as of September 1, 2019.

84. MEU's agent logged 8387 instances of infringing transactions in the United States and 66476 infringing transactions worldwide with the Unique Hash Number 18031E80B3360664B3641E1B7952172740AD5A63 shown in Exhibit "1" as of September 1, 2019.

78.

C. Defendant Faizan is the initial Seeder of the Work

85. Defendant Faizan was the initial seeder who copied the Work, created the torrent files Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv and, Hellboy.2019.1080p.AMZN.WEBRip.DDP5.1.x264-NTG and Hellboy.2019.720p.HC.HDRip.x264_MkvCage.Com.mkvand distributed them via the MKVCAGE and IBIT websites.

79.86.Defendant Faizan seeded copies of the work from computing devices under his control under his username to other notorious movie piracy sites such as ETTV and 1337x.

80.87. Accordingly, Defendant Faizan is the initial contributor and creator of the Swarms identified by the Unique Hash Numbers.

81.88. Defendant Faizan did not and does not have a license from Plaintiff to copy Plaintiff's Work.

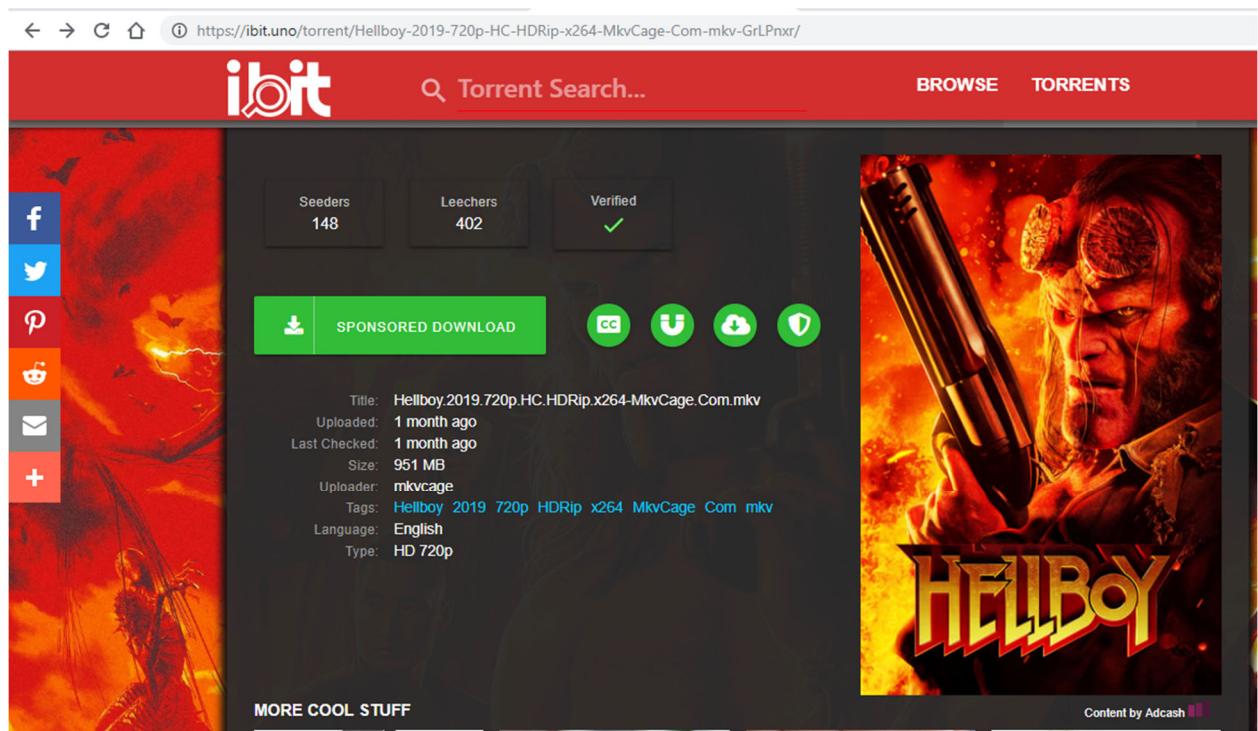
D. Defendants Faizan and JOHN DOE distributes the torrent files of the Work

82.89. Defendant Faizan has made the torrent files Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv, Hellboy.2019.1080p.AMZn.WEBRip.DDP5.1.x264-NTG and Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv available to users in Hawaii such as Defendants-DOES 1-35, the United States and the entire World to download from the MKVCage website and other notorious movie piracy sites such as ETTV and 1337x.

83.90. Defendant Faizan also made available the files Hellboy (2019) 720p BRRip HEVC 750MB ; Hellboy (2019) 1080p BRRip 6CH 2.3GB ; Hellboy (2019) 720p BRRip 1.1GB ; Hellboy (2019) 1080p AMZN WEB-DL 6CH 2.2GB ; Hellboy (2019) 1080p WEB-DL 6CH 2GB ; Hellboy (2019) 720p WEB-DL 950MB ; Hellboy (2019) 720p HC HDRip 950MB available to users in Hawaii such as Defendants-DOES 1-35, the United States and the entire World to download from the MKVCage website and other notorious movie piracy sites such as ETTV and 1337x.

84.91. Defendant Faizan uploaded the file “Hellboy.2019.720p.HC.HDRip.x264-MkvCage.Com.mkv” to the iBIT-website ibit.uno of Defendant JOHN DOE1337 in early July of 2019 where the Torrent File can be downloaded. Defendant Faizan used his profile “mkvcage” when uploading the file in order to maintain brand awareness of the quality of his torrent

files.



85.92. Defendants Faizan ~~and JOHN DOE~~ did not and does not have a license from Plaintiff to distribute copies of Plaintiff's Work.

86.93. As of Sept. 6, 2019 and the date of the infringements, Defendants ~~Faizan and JOHN DOE does~~ not have a DMCA agent as required by the DMCA to assert safe harbor.

Search the DMCA Designated Agent Directory

Include Terminated Service Provider Designations

| Search Results | | |
|---|--------------------------|--------|
| Show 10 entries | | |
| Service Provider | Matching Alternate Names | Status |
| No Service Provider found for your search | | |

Showing 0 to 0 of 0 entries Previous Next

Search the DMCA Designated Agent Directory

Include Terminated Service Provider Designations

| Search Results | | |
|---|--------------------------|--------|
| Show 10 entries | | |
| Service Provider | Matching Alternate Names | Status |
| No Service Provider found for your search | | |

Showing 0 to 0 of 0 entries Previous Next

E. Defendants Faizan and JOHN DOE induces infringements of the Work

87.94. Users of the Defendants Faizan and JOHN DOE's interactive websites such as Defendants DOES 1-35 use the websites for their intended and unquestionably infringing purposes, most notably to obtain immediate, unrestricted, and unauthorized access to unauthorized copies of Plaintiff's Copyrighted Work.

88.95. Defendants Faizan and JOHN DOE promotes their his websites for overwhelmingly, if not exclusively, infringing purposes, and that is how the users

use the websites.

89.96. The commercial value of Defendant Faizan-and JOHN DOE's websites depends on high-volume use of unauthorized content through the websites. Defendants Faizan-and JOHN DOE promises his their users reliable and convenient access to all the content they can watch and users visit the websites based on Defendants Faizan-and JOHN DOE's apparent success in delivering infringing content to itshis customers.

F. Defendant Faizan misrepresents the legality of the torrent files he distributes.

90.97. Defendant Faizan promotes and/or advertises his MKVCAGE website commercially in interstate commerce.

91.98. Defendant Faizan has distributed torrent files of the Work in interstate commerce from his MKVCAGE website.

92.99. Defendant Faizan's website includes misleading statements and/or false descriptions that misrepresent the nature, characteristics, qualities of the torrent files he distributes.

93.100. Particularly, Defendant Faizan's statements that the torrent files can be used to watch Plaintiff's Work misrepresents the illegal nature of the torrent files he distributes.

94.101. Particularly, Defendant Faizan's omission that using the torrent

files he distributes as promoted would subject the user to liability for copyright infringement misrepresents the illegal nature of his torrent files.

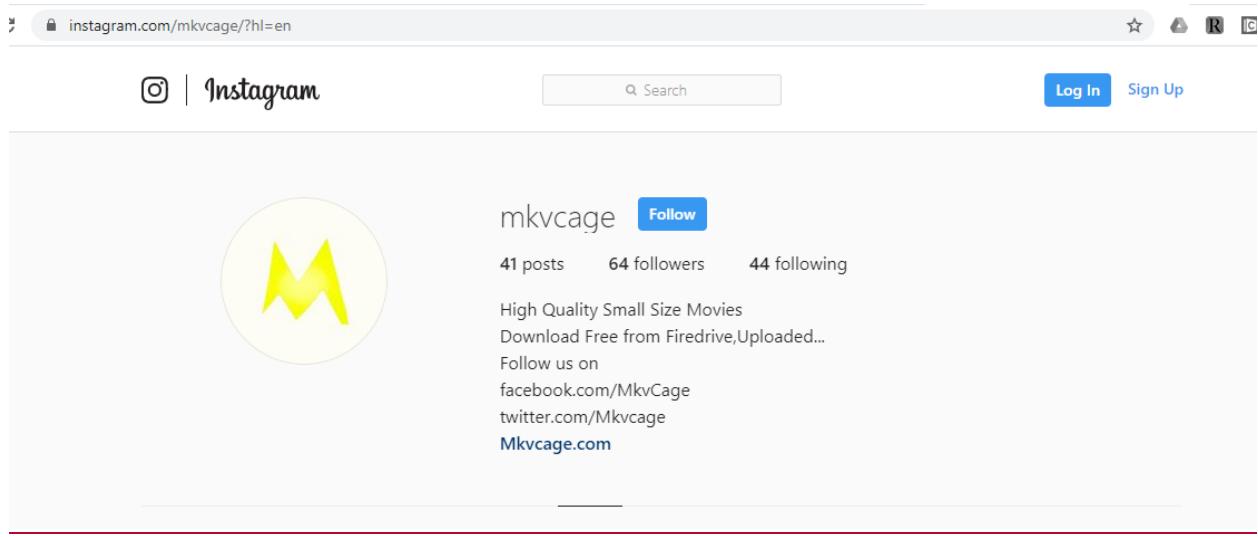
102. Defendant Faizan advertises, promotes, markets and distributes torrent files on his MKVCAGE website for the purpose of watching free movies.

103. Defendant Faizan advertised, promoted, marketed and distributed torrent files on the social media website FACEBOOK under the username MKCAGE for the purpose of watching free movies until approximately September of 2019.

104. Defendant Faizan advertises, promotes, markets and distributes torrent files on the social media website REDDIT for the purpose of watching free movies.

105. Defendant Faizan advertises, promotes, markets and distributes torrent files on the social media website TWITTER under the handle @Mkvcage for the purpose of watching free movies.

106. Defendant Faizan advertises, promotes, markets and distributes torrent files on the social media website INSTAGRAM under the handle @Mkvcage for the purpose of watching free movies.



95.107. Accordingly, Defendant has made and distributed in interstate commerce and in this District, commercial advertising or promotions that contains false or misleading representations of fact.

96.108. Defendant Faizan has not obtained a license from Plaintiff or, upon information or belief, any Copyright holders to publicly perform or distribute their motion pictures.

97.109. Defendant Faizan does not mention the illegality of the torrent files in his promotional language of his MKVCAGE website.

98.110. Defendant Faizan has gone to great lengths to conceal himself from the public, including by using a privacy service to conceal his contact information in connection with registering and hosting his websites.

99.111. Consumers are likely to be misled and deceived into believing the torrent files of Defendant Faizan can be legally used for viewing Copyrighted

motion pictures by the promotional language on Defendant Faizan's MKVCAGE website.

100.112. Defendant Faizan's false and misleading promotions of his torrent files are designed to entice consumers to use Defendant Faizan's MKVCAGE website for viewing motion pictures rather than retailers, distributors or streaming services licensed by Plaintiff.

101.113. Because Defendant Faizan does not pay for a license to distribute or copy any motion pictures, he can distribute the torrent files for nothing while profiting from advertisements on his websites and donations. In this way, Defendant Faizan entices consumers who would otherwise pay to own and/or watch Plaintiff's Works on a legitimate platform. In doing so, Defendant Faizan wrongfully misleads and deceives consumers into believing that they are using a legitimate platform to watch and/or copy Plaintiff's Works, when in fact consumers are putting themselves at risk for criminal and civil penalties for Copyright Infringement.

102.114. Defendant benefits financially from the infringement of the Works by the Hawaii users of his torrent files.

103.115. Plaintiff is informed and believes that Defendant Faizan's wrongful conduct has resulted in increased traffic to his websites while hindering the sale of Plaintiff's Work through legitimate distribution channels. Plaintiff has

sustained and will sustain damages as a result of Defendant Faizan's wrongful conduct.

VI. FIRST CLAIM FOR RELIEF
(Intentional Inducement—~~Against Defendants Faizan and JOHN DOE~~)

104.116. Plaintiff re-alleges and incorporates by reference the allegations contained in each of the foregoing paragraphs.

105.117. Plaintiff is the copyright owner of the Work which contains an original work of authorship.

106.118. Defendants Faizan ~~and JOHN DOE~~ had actual knowledge of third parties' infringement of Plaintiff's exclusive rights under the Copyright Act.

107.119. Defendants Faizan ~~and JOHN DOE~~ intentionally induced the infringement of Plaintiff's exclusive rights under the Copyright Act, including infringement of Plaintiff's exclusive right to publicly distribute copies of Copyrighted Works.

108.120. As intended and encouraged by Defendants Faizan ~~and JOHN DOE, their-his~~ websites provide torrent files that connect users to Torrent sources and/or sites that deliver copies of Plaintiff's Copyrighted Work. The operators of these Torrent sources directly infringe Plaintiff's exclusive rights by providing unauthorized copies of the works to the public, including to users of Defendants Faizan ~~and JOHN DOE~~'s websites.

109.121. Once the user of Defendants Faizan and JOHN DOE's websites have obtained a complete copy of the Plaintiff's Copyrighted Works, that particular user also becomes another Torrent source that delivers copies of Plaintiff's Copyrighted Work.

110.122. Defendants Faizan and JOHN DOE induces the aforementioned acts of infringement by supplying the torrent file that facilitates, enables, and creates direct links between their users and the infringing Torrent source, and by actively inducing, encouraging and promoting the use of their-his websites for blatant copyright infringement.

111.123. Defendants Faizan and JOHN DOE's intentional inducement of the infringement of Plaintiff's rights in its Copyrighted Work constitutes a separate and distinct act of infringement.

112.124. Defendants Faizan and JOHN DOE's inducement of the infringement of Plaintiff's Copyrighted Work is willful, intentional, and purposeful, and in disregard of and with indifference to the rights of Plaintiff.

113.125. Defendants Faizan and JOHN DOE's actions are a direct and proximate cause of the infringements of Plaintiff's Work.

**VII. SECOND CLAIM FOR RELIEF
(Contributory Copyright Infringement based upon Material Contribution—Against Defendants Faizan and JOHN DOE)**

114.126. Plaintiff re-alleges and incorporates by reference the allegations

contained in each of the foregoing paragraphs.

115.127. Defendants Faizan ~~and JOHN DOE h~~had actual or constructive knowledge of infringement of Plaintiff's exclusive rights under the Copyright Act. Defendants Faizan ~~and JOHN DOE~~ knowingly and materially contributes to such infringing activity.

116.128. Defendants Faizan ~~and JOHN DOE~~ knowingly and materially contributes to the infringement of Plaintiff's exclusive rights under the Copyright Act, including infringement of Plaintiff's exclusive right to distribute the Work. Defendants Faizan ~~and JOHN DOE~~ designs and promotes his websites to provide torrent files that connect customers to unauthorized online torrent sources to download copies of Plaintiff's Copyrighted Work. The operators of these torrent sources directly infringe Plaintiff's distribution rights by providing copies of the Work to the public, including to website users. The operators, or others operating in concert with them, control the facilities and equipment used to store and deliver copies of the content, and they actively and directly cause the content to be distributed when users run the torrent file obtained from the website.

117.129. Defendants Faizan ~~and JOHN DOE~~ knowingly and materially contributes to the aforementioned acts of infringement by supplying the website that facilitates, encourages, enables, and creates direct links between website users and infringing operators of the Torrent services, and by actively encouraging,

promoting, and contributing to the use of the website for blatant copyright infringement.

118.130. Defendants Faizan and JOHN DOE's knowing and material contribution to the infringement of Plaintiff's rights in the Copyrighted Work constitutes a separate and distinct act of infringement.

119.131. Defendant Faizan and JOHN DOE's knowing and material contribution to the infringement of Plaintiff's Copyrighted Work is willful, intentional, and purposeful, and in disregard of and with indifference to the rights of Plaintiff.

120.132. As a direct and proximate result of the infringement to which Defendants Faizan and JOHN DOE knowingly and materially contributes, Plaintiff is entitled to damages of at least \$270,902.58 and and Defendant Faizan and JOHN DOE's profits in amounts to be proven at trial.

121.133. Defendants Faizan and JOHN DOE obtained a direct financial interest, financial advantage, and/or economic consideration from the infringements in Hawaii as a result of theirhis infringing actions in the United States.

122.134. Defendants Faizan and JOHN DOE's actions are a direct and proximate cause of the infringements of Plaintiff's Work.

VIII. THIRD CLAIM FOR RELIEF
(Contributory Copyright Infringement against Defendants Faizan and DOES 1-35 based upon participation in the BitTorrent Swarm)

123.135. Plaintiff re-alleges and incorporates by reference the allegations contained in each of the foregoing paragraphs.

124.136. By participating in the BitTorrent swarms with others such as DOES 1-35, Defendants Faizan ~~and DOES 1-35~~ induced, caused or materially contributed to the infringing conduct of others.

125.137. Plaintiffs did not authorize, permit, or provide consent to the Defendants Faizan ~~and DOES 1-35~~ inducing, causing, or materially contributing to the infringing conduct of others.

126.138. Defendants Faizan ~~and DOES 1-35~~ knew or should have known that the other BitTorrent users in a swarm with ~~it-him~~ were directly infringing the Plaintiff's copyrighted Work by copying constituent elements of the registered Work that are original. Indeed, Defendants Faizan ~~and DOES 1-35~~ directly participated in and therefore materially contributed to others' infringing activities.

127.139. The Defendants Faizan ~~and DOES 1-35~~'s infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

128.140. By engaging in the contributory infringement alleged in this Complaint, the Defendants Faizan ~~and DOES 1-35~~ deprived not only the producer of the Work from income that could have been derived when this film was shown in public theaters and offered for sale or rental, but also all persons involved in the

production and marketing of this film, numerous owners of local theaters and retail outlets in Hawai'i and their employees, and, ultimately, the local economy. The Defendants's misconduct therefore offends public policy.

129.141. The Plaintiff has suffered damages of \$270,902.58 in the United States that were proximately caused by the Defendants's contributory copyright infringement including, but not limited to lost sales, price erosion, and a diminution of the value of its copyright.

**IXVIII. FOURTH CLAIM FOR RELIEF
(Direct Copyright Infringement ~~against~~
~~Defendants Faizan and DOES 1-35~~)**

130.142. Plaintiff re-alleges and incorporates by reference the allegations contained in each of the foregoing paragraphs.

131.143. Plaintiff is the copyright owner of the Work which contains an original work of authorship.

132.144. Defendant Faizan copied the constituent elements of the Work when creating the torrent files.

133. ~~Defendant DOES 1-35 copied the constituent elements of the Work.~~

134.145. Plaintiff did not authorize, permit, or provide consent to Defendants to copy, reproduce, redistribute, perform, or display their Works.

135.146. As a result of the foregoing, Defendants Faizan ~~and DOES 1-35~~ violated the Plaintiff's exclusive right to reproduce the Work in copies, in

violation of 17 U.S.C. §§ 106(1) and 501.

~~136.147. Each of the Defendants's infringements was committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).~~

~~137.148. The Plaintiff has suffered damages that were proximately caused by each of the Defendants's copyright infringements including, but not limited to lost sales, price erosion, and a diminution of the value of its copyright.~~

**VII. FIFTH CLAIM FOR RELIEF
(False Description against Defendant Faizan)**

~~138. Plaintiff re alleges and incorporates by reference the allegations contained in each of the foregoing paragraphs.~~

~~139. Defendant Faizan has made and distributed in interstate commerce in this District, advertisements that contain false or misleading statements of fact regarding the torrent files he distributes. These advertisements contain actual misstatements and/or misleading statements and failures to disclose, among other, the statement that Defendant Faizan's torrents can be used to watch free movies without describing the illegality.~~

~~140. Upon information and belief, these or misleading statements actually deceive or have a tendency to deceive, a substantial segment of Plaintiff's customers and potential customers. This deception is material in that is likely to influence the purchasing decisions of Plaintiff's customers.~~

141. The false and misleading advertising statements and omissions of Defendant Faizan injure both consumers and Plaintiff.

142. Defendant Faizan's false and misleading advertising statements and omissions violate the Lanham Act §43(a), 15 U.S.C. §1125(a).

143. Defendant Faizan has caused and will continue to cause, immediate and irreparable injury to Plaintiff, including injury to its business, reputation, and goodwill, for which there is no adequate remedy at law. As such, Plaintiff is entitled to an injunction under 15 U.S.C. §1116 restraining Defendant Faizan, his agents, employees, representatives and all persons acting in concert with him from engaging in further acts of false advertising, and ordering removal of all Defendant Faizan's false advertisements or to add a prominent warning to consumers regarding the illegality of his torrent files.

144. Pursuant to 15 U.S.C. §1117, Plaintiff is entitled to recover from Defendant Faizan the damages sustained by Plaintiff as a result of Defendants Faizan's acts in violation of Lanham Act §43(a). Plaintiff is at present unable to ascertain the full extent of the monetary damages it has suffered by reason of Defendants Faizan's acts.

145. Pursuant to 15 U.S.C. §1117, Plaintiff is further entitled to recover from Defendant Faizan the gains, profits and advantages that he has obtained as a result of his acts. Plaintiff is at present unable to ascertain the full amount of the

~~gains, profits and advantages Defendant Faizan has obtained by reason of his acts.~~

~~146. Pursuant to 15 U.S.C. §1117, Plaintiff is further entitled to recover costs of this action. Moreover, Plaintiff is informed and believes, and on that basis alleges, that Defendant Faizan's conduct was undertaken willfully and with the intention of causing confusion, mistake or deception, making this an exceptional case entitling Plaintiff to recover additional damages and reasonable attorneys' fees.~~

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that this Court:

- (A) enter ~~temporary, preliminary and a~~ permanent injunctions enjoining ~~each~~ Defendant from continuing to directly infringe and contribute to infringement of the Plaintiff's copyrighted Work;
- (B) enter an order pursuant to 17 U.S.C. §512(j) and/or 28 U.S.C §1651(a) that, Cloudflare and any other service provider cease providing service for the websites: (i) ~~ibit.une~~, mkvcage.com; and (ii) any mirror websites in concert with ~~ibit.une and~~ mkvcage.com such as, but not limited to mkvcage.ws and mkvcage.cc, immediately cease said service;
- (C) that, upon Plaintiff's request, those in privity with Defendants and those with notice of the injunction, including any Internet search engines, ISP, Web

hosts, domain-name registrars, and domain name registries and/or their administrators that are provided with notice of the injunction, cease facilitating access to any or all domain names and websites through which Defendants Faizan and JOHN DOE engages in the aforementioned infringements;

(D) award the Plaintiff's actual damages of \$270,902.58 and Defendants' s profits in such amount as may be found; alternatively, at Plaintiff's election, for maximum statutory damages per Work pursuant to 17 U.S.C. § 504-(a) and (c);

(E) award the Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and

(F) grant the Plaintiff any and all other and further relief that this Court deems just and proper.

The Plaintiff hereby demands a trial by jury on all issues properly triable by jury.

DATED: Kailua-Kona, Hawaii, SeptemberJanuary 23, 20209, 2019.

CULPEPPER IP, LLLC

/s/ Kerry S. Culpepper
Kerry S. Culpepper

Attorney for Plaintiff
HB Productions, Inc.